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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,365	04/12/2002	Kurt Eliith Thomsen	378/9-1659	7801

7590

10/16/2003

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EXAMINER

LEE, JONG SUK

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/089,365	THOMSEN, KURT ELITH	
	Examiner	Art Unit	
	Jong-Suk (James) Lee	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u> | 6) <input type="checkbox"/> Other:  |

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**DETAILED ACTION**

1. The amendment filed on August 22, 2003 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz (US 4,065,934) in view of British Patent Application'607 (GB 2,120,607 A).

Dysarz discloses a vessel/ship (300) for transport and mounting of structures comprising of: a hull (302) and at least three vertically elevational support legs (16), displacement means/jacking mechanism (18) for elevating the support legs being mounted in at least two consoles/beams (20, 324, 326), the consoles being connected to the hull's right and left long side by first means (340, 334, 348, 355), respectively (see Figs. 13-15), the consoles comprising at least one sleeve/preload tank (20) with inherently friction reducing substance on the inner surface

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1 of the sleeves (20), the first means including a rail (340) secured to the hull (302) with fasteners  
2 and the inner surfaces enclosing parts of the outer circumference of the support leg (16), the  
3 vessel/ship including hollow spaces/chambers in the hull (302) being controlled by control  
4 system/pump in filling or emptying water for the chambers; the ship may have one crane (not  
5 shown- see col.10, lines 3-14) (see Figs. 6, 8 and 13-15; col.7, lines 9-68; col.8, lines 1-68; col.9,  
6 lines 1-18).

7           However, Dysarz fails to disclose or fairly suggest the support legs are at least four.  
8 British Patent Application'607 discloses a work ship for installing large offshore structure  
9 including a hull (1) having four consoles (7) with lifting means (3), each lifting means having a  
10 support leg (2) therein (see Figs. 1-3; pg.1, lines 107-125; pg.2, lines 1-52).

11           Therefore, in view of British Patent Application'607, it would have been obvious to one of  
12 the ordinary skill in the art at the time the invention was made to provide the four support legs to  
13 Dysarz's vessel in order to enhance the stability of the vessel when it is installed at the site and  
14 efficiently manipulating the off-shore structures from the deck of the vessel with the crane  
15 assembly.

16           With respect to the elevation for the upper and lower end surface of the console, it would  
17 have been obvious to one of the ordinary skill in the art at the time the invention was made to  
18 adjust the elevation of the console location in order to provide more safe environment to the  
19 working personnel on the deck section or around the vessel.

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1        4.        Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz, as modified  
2        by British Patent Application'607, as applied to claim 1, and further in view of Collins (US  
3        4,473,256). The teachings of Dysarz modified by British Patent Application'607 have been  
4        discussed above.

5                However, the teachings of Dysarz modified by British Patent Application'607 fails to  
6        disclose or fairly suggest the displacement beans are wire winch and a hydraulic system.

7                Collins discloses a chisel barge comprising of a plurality of supporting legs (175), a  
8        plurality of wire winches (146-148) to control the supporting legs with wires (47) and hydraulic  
9        system (39, 41) (see Figs. 1-2; col.3, lines 39-68; col.4, lines 1-68; col.5, lines 1-22; col.8, lines  
10       37-68; col.9, lines 1-13).

11               Therefore, in view of Collins, it would have been obvious to one of the ordinary skill in  
12       the art at the time the invention was made to further modify the displacement means/the jacking  
13       mechanism of Dysarz, as modified by British Patent Application'607 by replacing with the winch,  
14       wire and hydraulic system in order to reduce the manufacturing cost and repair the displacement  
15       mechanism in more efficient ways.

16  
17       5.        Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz, as modified  
18       by British Patent Application'607, as applied to claim 1, and further in view of Blanford et al (US  
19       5,964,550). The teachings of Dysarz modified by British Patent Application'607 have been

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1 discussed above.

2           However, the teachings of Dysarz modified by British Patent Application'607 fails to  
3 disclose or fairly suggest the supporting legs having load cells. Blanford et al discloses a tension  
4 mooring system having a plurality of support legs/tendons (17) having a load cell (62) attached to  
5 the tendon porch (60) (see Figs. 1-8; col.4, lines 27-53; col.6, lines 28-57).

6           Therefore, in view of Blanford et al, it would have been obvious to one of the ordinary  
7 skill in the art at the time the invention was made to further modify the supporting legs of Dysarz,  
8 as modified by British Patent Application'607 by adding the load cell to them in order to measure  
9 the load and stress acting on the supporting legs while controlling the supporting legs.

10  
11 ***Response to Arguments***

12 6.       Applicant's arguments with respect to amended claims 9-16 have been considered but are  
13 moot in view of the new ground(s) of rejection.

14           However, with respect to the argument that nowhere in Dysarz teaches mounting legs  
15 onto the ship itself, it is not persuasive because it is more limited than the claim scope.

16  
17 ***Conclusion***

18 7.       Any inquiry concerning this communication or earlier communications from the examiner  
19 should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The

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1 examiner can normally be reached between the hours of 6:30 AM to 3:00 PM Monday thru  
2 Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
3 Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for this  
4 Group is (703) 872-9306.

5 Any inquiry of a general nature or relating to the status of this application or proceeding  
6 should be directed to the Group receptionist whose telephone number is (703) 308-2168.

7  
8 J. Lee /jjl  
9 October 14, 2003  
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12

  
Jong-Suk (James) Lee  
Primary Examiner  
Art Unit 3673